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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/032,249

12/21/2001

Kenichi Fujii

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07/16/2004

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EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,249

Applicant(s)

FUJII ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,5-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda et al..

The claimed invention reads on Takeda et al. as follows:

Regarding claim 1, Takeda et al. discloses a wireless communication system (fig. 11) comprising a wireless communication control apparatus (public base station) (fig. 11 number 902) and a wireless communication apparatus (mobile station) (fig. 11 number 901), the wireless communication control apparatus is connected to a public network (inherent, since the public base station is connected by telephone lines, taught in fig. 11), and the wireless communication system controls transmission timing (synchronization timing) for transmitting a control signal (synchronization) from the wireless communication control apparatus to the wireless communication apparatus in a case where the wireless communication between the wireless communication control apparatus and the wireless communication apparatus is out of order (synchronization failure) (col. 1 lines 35-67, col. 3 lines 20-40 and col. 7 lines 25-45).

Regarding claim 2, Takeda et al. discloses the wireless communication control apparatus controls the transmission timing in a case where informing the wireless communication apparatus of

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an incoming call (reception failures) is failed (col. 7 lines 25-45 and col. 10 lines 20-55).

Regarding claim 5, Takeda et al. discloses the wireless communication control apparatus controls the transmission timing in a case where an apparatus to be checked is designated by an incoming call (col. 10 lines 20-64) and the wireless communication between the wireless communication control apparatus and the wireless communication apparatus related to the apparatus to be checked is out of order (synchronization lost) (col. 10 lines 20-64).

Regarding claim 6, Takeda et al. discloses wherein the wireless communication apparatus judges whether the wireless communication between the wireless communication control apparatus (col. 10 lines 20-64) and the wireless communication apparatus is out of order or not (col. 10 lines 20-64), and the wireless communication control apparatus controls the transmission timing in a case where the wireless communication apparatus judges that the wireless communication between the wireless communication control apparatus and the wireless communication apparatus is out of order (col. 10 lines 20-64).

Regarding claim 7, Takeda et al. discloses said wireless communication apparatus judges whether synchronization with the wireless communication control apparatus is not out of order or not (col. 10 lines 20-64), and the wireless communication control apparatus controls the transmission timing in a case where the wireless communication apparatus judges that synchronization with the wireless communication control apparatus is out of order (col. 10 lines 20-64).

Regarding claim 8, Takeda et al. discloses a wireless communication control apparatus (public base station) (fig. 11 number 902) for controlling wireless communication with a wireless communication apparatus (mobile station) (fig. 11 number 901), comprising: informing means (i.e. transmission from the base station to the mobile) (col. 3 lines 20-43) for informing the wireless communication apparatus an incoming call in a case where the incoming call is received (col. 10 lines 20-64); and control means for controlling transmission timing for transmitting a control signal to the wireless communication apparatus in a case where the wireless communication with the wireless communication

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apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64).

Regarding claim 10, Takeda et al. discloses a computer program (public base station) (fig. 11 number 902) or a storage medium (public base station) (fig. 11 number 902) for storing the computer program (public base station) (fig. 11 number 902) comprising program steps of informing the wireless communication apparatus an incoming call in a case where the incoming call is received (col. 3 lines 20-43 and col. 10 lines 20-64); and controlling transmission timing for transmitting a control signal to the wireless communication apparatus in a case where the wireless communication with the wireless communication apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64).

3. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Akhteruzzaman et al..

The claimed invention reads on Akhteruzzaman et al. as follows:

Regarding claim 12, Akhteruzzaman et al. discloses a wireless communication control apparatus (base station) (fig. 1 number 68a) for performing wireless communication with a wireless communication apparatus (mobile station) (fig. 1 number 70), comprising: receiving means (inherent, since the call is handoff from the wireless terminal to the wireline system, taught in col. 7 lines 53-55) for receiving a wireless signal from wireless communication apparatus (col. 7 lines 53-55); and calling means for making an outgoing to a public network in a case where signal is not received by said receiving means within a predetermined timing (col. 8 lines 5-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Yamamoto.

Regarding claim 3, Takeda et al. discloses a wireless communication system as discussed supra in claim 1 above. Takeda et al. differs from claim 3 of the present invention in that it does not disclose the wireless communication control apparatus resets the transmission timing. Yamamoto teaches a base station which resets a transmission timing (i.e. puts back a certain time or put forward a certain time) (col. 4 lines 51-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. with the wireless communication control apparatus resets the transmission timing in order to synchronize the base station when the mobile unit roams between multiple base stations which would shorten the reception time when receiving an incoming call, as taught by Yamamoto.

Regarding claim 4, Takeda et al. discloses a wireless communication system as discussed supra in claim 1 above. Takeda et al. differs from claim 3 of the present invention in that it does not disclose wherein the wireless communication control apparatus sets the transmission timing such that collision with a control signal from another wireless communication system is avoided. Yamamoto teaches a base station sets the transmission timing such that collision with a control signal from another wireless communication system (base station) is avoided (i.e. both base stations are synchronous with each other) (col. 4 lines 53-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. with wherein the wireless communication control apparatus sets the transmission timing such that collision with a control signal from another wireless communication system is avoided in order to synchronize both base station in case the mobile unit is handoff when receiving an incoming call, as taught by Yamamoto

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Miyamoto et al..

Regarding claim 9, Takeda et al. discloses a wireless communication apparatus (mobile station) (fig. 11 number 901) comprising: judging means (i.e. the mobile station know it is out of sync with the base station) (col. 1 lines 35-67, col. 3 lines 20-40 and col. 7 lines 25-45) for judging whether the wireless communication with the wireless communication control apparatus is out of order or not (synchronization failure) (col. 1 lines 35-67, col. 3 lines 20-40 and col. 7 lines 25-45); Takeda et al. differs from claim 9 of the present invention in that it does not disclose request means for requesting the wireless communication control apparatus to control the transmission timing in a case where said judging means judges that the wireless communication with the wireless communication control apparatus is out of order. Miyamoto et al. teaches a subscriber apparatus for requesting a base station to control a time delay when there is need for time delay or time slot correction (i.e. out of order) (col. 4 lines 22-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. with request means for requesting the wireless communication control apparatus to control the transmission timing in a case where said judging means judges that the wireless communication with the wireless communication control apparatus is out of order in order for the mobile unit to inform the base station when roaming between multiple base station its synchronization timing in case of receiving an incoming call, as taught by Miyamoto et al..

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Sibecas et al..

Regarding claim 11, Takeda et al. discloses a wireless communication control apparatus (public base station) (fig. 11 number 902) for performing wireless communication with a wireless communication apparatus (mobile station) (fig. 11 number 901), comprising: holding means for holding an incoming call; and informing means for informing the wireless communication apparatus of the incoming call according to timing when the wireless communication with the wireless communication is in order (col. 10 lines 20-48). Takeda et al. differs from claim 11 of the present invention in that it does not disclose holding

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means for holding an incoming call. Sibecas et al. teaches a message to be sent by a base station is stored in a queue (holding means) to await transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. with holding means for holding an incoming call in order for the base station to hold the incoming call until the mobile unit is synchronize with the system clock for reliable communication, as taught by Sibecas et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
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July 8, 2004

